

REMARKS

Claim Rejections Under 35 U.S.C. §112

In the May 20, 2003 Office Action, the examiner rejected Claims 1, 3-12, 21, and 22 under 35 U.S.C. § 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. "It is not readily apparent that the support structure is capable of being attached to the plunger portion of a syringe, as recited in the last line of claim 1." (See Office Action pages 2-3)

Claims 1, 3-12, 21 and 22 were also rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. "[I]t is not readily apparent that the support structure is capable of being attached to the plunger portion of a syringe, as recited in the last line of claim 1." (See Office Action page 3)

Applicants have amended claim 1 to further describe the plunger of a syringe by adding the limitation that "said plunger portion of the syringe includes a handle." Support for this amendment can be found in Applicants' specification on page 11, lines 1-2. "The plunger 52 has a handle 54 at the top."

The Examiner stated in the May 20, 2003 Office Action the following when referring to Applicants' specification. "As shown in Fig. 4, the only figure showing an embodiment which includes a syringe, the SPME device 40 is enclosed in a metal sleeve

60, which metal sleeve extends through the plunger 52, and appears to terminate at the handle 54. Accordingly, it is not seen how the support structure 44, enclosed within this metal sleeve 60, can be "attached to the plunger" since metal sleeve 60 appears to prevent this support structure from ever coming in contact with the plunger. (See Office Action page 3)

To address this point raised by the examiner, Applicants have amended claim 1 to further describe the fact that "said plunger portion of the syringe includes a handle" as described in Applicants specification on page 11, lines 1-2, i.e., "[t]he plunger 52 has a handle 54 at the top." Applicants submit that it would be evident to one of ordinary skill in the art reading Applicants' specification (specifically page 10, lines 23-26; page 11, lines 1-12; and Figure 4) that if the SPME device 40 is mounted to the top of the plunger 52 and also is enclosed in the metal sleeve 60 to protect it from damage, then it is inherent that the SPME device 40 be attached to the handle portion 54 of the plunger in order for it to "extend through the plunger."

CONCLUSION

Reconsideration and allowance of claims 1, 3-12, and 21 is respectfully requested.

In the event that the Examiner finds any remaining impediment to the prompt allowance of these claims that could be resolved by a telephone conference, the Examiner is urged to contact the undersigned.

In the unlikely event that the Patent Office determines that an extension and/or other relief is required as a result of this statement, applicants petition for any required relief including extensions of time and authorize the Assistant Commissioner to charge the cost of such petitions and/or other fees due to our Deposit account no. 12-0695. However, the Assistant Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Respectfully submitted,

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